

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

- - - - - X  
UNITED STATES OF AMERICA

★ APR 22 2016 ★

- against -  
WILLIAM SCULLY,

STIPULATION LONG ISLAND OFFICE  
Docket No. 14-CR-208 (S-1)(ADS)

Defendant.  
- - - - - X

IT IS HEREBY STIPULATED AND AGREED by and between the UNITED STATES OF AMERICA and the defendant WILLIAM SCULLY, through their attorneys, as follows:

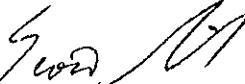
1. The parties waive a hearing under Section 6A1.3(a) and (b) of the United States Sentencing Guidelines ("USSG") ("Fatico" hearing) as to any sentencing factor or issue;
2. The parties agree that the proper loss amount is loss more than \$1,500,000 and causes the addition of 16 levels under USSG Section 2B1.1(b)(1)(I);
3. The parties understand that the court has adopted the 2 point role enhancement for leadership as presented in PSR Addendum at para. 93a based on USSG Section 3B1.1 and waive a Fatico hearing as to that enhancement;
4. The government withdraws its argument (without conceding the point) that Medical Device King ("MDK") required its own wholesale distributors' license and the reference to that in the PSR at para. 81 specifically "MDK and" shall be deleted;

5. Based on this Stipulation and the prior rulings of the Court on April 8, 2016, the sentencing guideline level for sentencing on June 2, 2016 is level 31, 108 to 135 months.

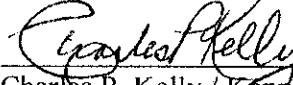
6. This stipulation is limited to the specific Sentencing Guidelines issues addressed herein, and nothing in this stipulation prevents the defendant from arguing for a sentence below the Sentencing Guidelines range.

Dated: Central Islip, New York  
April 22, 2016

ROBERT L. CAPERS  
United States Attorney  
Eastern District of New York

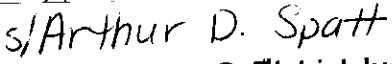
  
\_\_\_\_\_  
Scott A. Resnik / Michael M. Rosensaft  
Katten Muchin Rosenman, LLP  
Attorneys for William Scully

By:

  
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Charles P. Kelly / Kenneth M. Abell  
Assistant United States Attorneys

Approved. The Fatico Hearing scheduled for June 2, 2016 at 10:00 a.m. is cancelled. The defendant will be sentenced on June 2, 2016 at 10:00 a.m.

SO ORDERED

  
\_\_\_\_\_  
ARTHUR D. SPATT, U.S. District Judge

DATED: 4/22/16